

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RICHARD MAGGIO,

Plaintiff,

-v-

No. 07 Civ. 4751 (LTS)(DFE)

CVS PHARMACY, INC. and VANNA TSUI,

Defendants.

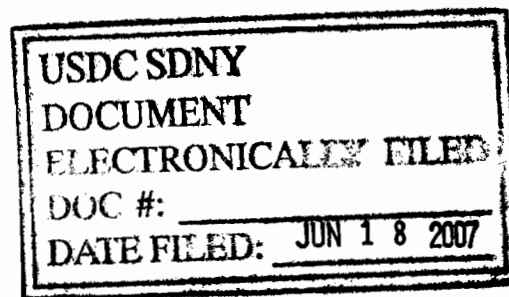
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**ORDER TO SHOW CAUSE**

This is an action in which jurisdiction is founded solely on diversity. 28 U.S.C. section 1391(a), reads, in relevant part that:

A civil action wherein jurisdiction is founded only on diversity may . . . be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is subject of the action is situated, or (3) a judicial district in which any defendant is subject to personal jurisdiction at the time the action is commenced, if there is non district in which the action may otherwise be brought.


In light of the operative factual allegations of the complaint, all of which appear to concern events that occurred within the District of New Jersey, as well as Plaintiff's allegations that only one of the two defendants resides in the Southern District of New York, and because it appears from the allegations that the case could properly have been brought in the District of New Jersey, Plaintiff is ORDERED to show cause why the Court should not dismiss this case, or in the interests of justice transfer the case to the District of New Jersey, pursuant to 28 U.S.C. section 1406(a).



Plaintiff shall file his response by 4:00 p.m. on June 25, 2007, and shall serve it on Defendants, together with a copy of this Order, if the Summons and Complaint has been served. A courtesy copy of the papers shall be provided for the Chambers of the undersigned.

SO ORDERED.

Dated: New York, New York  
June 18, 2007



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LAURA TAYLOR SWAIN  
United States District Judge